

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAISY Y. PINERO,

Plaintiff,

-against-

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION, INC.;
BURLINGTON COAT FACTORY OF NY,
LLC,

Defendants.

19-CV-11524 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR AMENDED IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this action *pro se*, seeking to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”). To proceed with a civil action in this Court, a plaintiff must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915. For the reasons set forth below, within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees that are required to file a civil action in this Court or submit an amended IFP application.

Plaintiff submitted the IFP application using an outdated version of this Court’s IFP application form. She states that she is unemployed, has no other sources of income, and that she has significant monthly expenses including rent, credit card payments, and student loan debt. (ECF No. 1.) But she provides no information to explain how she is paying these expenses and meeting her financial obligations. The Court therefore cannot grant Plaintiff IFP status at this time.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or submit the attached amended IFP application in which she fully discloses her

financial status, including how she is paying her bills and meeting her monthly financial obligations. If Plaintiff submits the amended IFP application, it should be labeled with docket number 19-CV-11524 (CM). If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the Court shall process the case in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the Court will dismiss the action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: January 14, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge